

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**

In re:

\*

Yolande E. Essangui \* Case No. 16-12984

\* Chapter 7

### Debtor.

\*

Yolande E. Essangui

\*

**Plaintiff,**

\* Adv. No. 16-00201

V.

\*

SLF V-2015 Trust, et al.

\*

## Defendants.

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**DEFENDANT GS2 GRANTOR TRUST 2016-A, ASSIGNEE OF SLV V-2015**  
**TRUST'S OBJECTION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Now comes Defendant, GS2 Grantor Trust 2016-A, assignee of SLF V-2015 Trust (hereinafter referred to as “SLF” or “Defendant”), by and through counsel, and hereby objects to the Motion for Summary Judgment filed by the Plaintiff, Yolande E. Essangui (hereinafter referred to as “Plaintiff”) for the reasons stated below:

Dated: July 14, 2017

Respectfully submitted,

/s/ Michael J. Klima, Jr.  
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Counsel for Defendant,  
GS2 Grantor Trust 2016-A, assignee of SLF  
V-2015 Trust

**MEMORANDUM IN SUPPORT OF OPPOSITION**

Plaintiff filed her Motion for Summary Judgment alleging two grounds on why she is entitled to summary judgment. The first allegation is that “the loan does not represent funds received as an educational benefit, scholarship, or stipend.” Plaintiff cites four separate cases in which she relies upon to support her motion. As the court is aware, Defendant also filed a Motion for Summary Judgment. Defendant’s sole allegation is that the loan represents funds received as an educational benefit, scholarship or stipend under 11 U.S.C. § 523(a)(8)(A)(ii). In its motion, Defendant completely addressed its argument in support of its motion. Defendant cited both supporting authority as well as negative authority, including the four cases cited by Plaintiff in her motion.

For the sake of judicial economy, Defendant requests that the court rely upon its arguments in its Motion for Summary Judgment as to why Plaintiff’s loans should be considered an educational benefit pursuant to 11 U.S.C. § 523(a)(8)(A)(ii) rather than reproducing the arguments within this memorandum.

Plaintiff’s second ground as to why she is entitled to summary judgment is that “MERP is not an ‘eligible educational institution’ and therefore the Defendant’s loan is not protected by Section 523(a)(8)(B).” See page 9 of Plaintiff’s Motion for Summary Judgment. As Plaintiff correctly points out, under §523(a)(8), the lender has the initial burden to establish the existence of the debt and that the debt is an educational loan within the statute’s parameters. See page 6 of Plaintiff’s Motion for Summary Judgment. Defendant does not intend to assert within its Motion

for Summary Judgment or at trial in this matter that Plaintiff's loan is a qualified educational loan under Section 523(a)(8)(B). Defendant's sole argument is that Plaintiff's loan constitutes and educational benefit pursuant to 11 U.S.C. § 523(a)(8)(A)(ii).

For the foregoing reasons, Defendant GS2 Grantor Trust 2016-A, assignee of SLF V-2015 Trust hereby requests that Plaintiff's Motion for Summary Judgment be overruled.

Respectfully submitted,

/s/ Michael J. Klima, Jr.  
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Counsel for Defendant,  
GS2 Grantor Trust 2016-A, assignee of SLF  
V-2015 Trust

**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2017 a copy of the foregoing **Defendant, GS2 Grantor Trust 2016-A, assignee of SLF V-2015 Trust's Objection to Motion for Summary Judgment** was served upon the following registered ECF participants, **electronically** through the Court's ECF system at the email addresses registered with the Court:

Ronald J. Drescher, Attorney for Plaintiff, [rondrescher@drescherlaw.com](mailto:rondrescher@drescherlaw.com)

AND via ordinary U.S. Mail service to the following non-registered ECF participants:

Golden Tree Asset Management, LP  
300 Park Avenue, 21st floor  
New York, NY 10022

Citibank, N.A.  
P.O. Box 6191  
Sioux Falls, SD 57117-6191

DeVry Medical International, Inc.  
630 U.S. Highway One  
North Brunswick, NJ 08902

University Accounting Service, LLC  
P.O. Box 918  
Brookfield, WI 53008-0918

GSED Trust  
200 West Street, 26th floor  
New York, NY 10282

Dated: July 14, 2017

Respectfully submitted,

/s/ Michael J. Klima, Jr.  
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